

REMARKS

The Examiner's communication dated October 13, 2005 has been received and carefully considered. In conformance with the applicable statutory requirements, this paper constitutes a complete reply and/or a bona fide attempt to advance the application to allowance. Specifically, claims 1, 6, 14-17 have been amended. Reexamination and/or reconsideration of the application as amended are respectfully requested.

Summary of the Office Action

Claims 12-13 and 23-27 are allowed.

Claims 6, 7, 10 and 11 have been indicated as containing allowable subject matter.

Claims 1-3, 5 and 8 stand rejected under 35 U.S.C. §102(b) as being anticipated by Green (U.S. Patent No. 6,250,040).

Claims 4 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Green.

Claims 9 and 15-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Green in view of Benedyk, et al. (U.S. Patent No. 5,046,546).

Claim 16 was objected to for a minor informality.

The Claims Distinguish Patentably Over the Reference(s) of Record

Independent claim 1, as amended, calls for a screen to extend over at least one picket which extends between and is connected to top and bottom frame members. Green, which was used to reject previously presented claim 1, fails to disclose a screen extending over at least one picket. Rather, Green discloses separate screens provided at each corner of cross members 42, 44, which are asserted by the Examiner to be at least one picket of claim 1. More particularly, with reference to Figures 1 and 2 of Green, members 40, 42 extend between side members 36, 38 and top and bottom members 32, 72 (bottom member identified as element 72 in Figure 3a). Green appears to disclose four screen members disposed within the confines of members 32, 36, 38 and 72, but none of the four screens extends over alleged picket 42, 44. Accordingly, applicant respectfully

submits that claim 1 and claims 2-5 and 8-11, which are dependent from claim 1, are in condition for allowance.

Claim 6, which was indicated as containing allowable subject matter, has been placed in independent form. Accordingly, claim 6 and claim 7 dependent therefrom, are in condition for allowance.

Independent claim 14, as amended, calls for at least one screen panel, which includes a screen frame and a screen disposed over a screen frame opening of the screen frame, to be secured to a frame such that the screen of the at least one screen panel extends across at least part of an opening of the frame. Claim 14 further calls for a balustrade (including a horizontal member and a plurality of spaced pickets) to be connected to the frame, with the horizontal member and the picket extending across the opening of the frame. The pickets are connected at one end to the horizontal member and at the other end to a bottom portion of the frame.

In neither Green, nor Benedyk, is there disclosed a screen panel (including a screen frame and a screen) which is secured to a frame defining an opening such that the screen of the screen frame panel extends across at least part of the opening of the frame, and particularly across an opening of a frame which has a horizontal balustrade member and balustrade pickets also extending thereacross. Rather, Green discloses a plurality of screens secured to members forming a frame (i.e., there is no separate screen frame to which the screen is secured). Should door frame 18 be asserted as the frame and screen door 12 be asserted as the screen frame, then there would be no bottom frame portion for the end of the pickets to connect. Under either application, Green fails to disclose or fairly suggest the assembly of claim 14.

Benedyk is similarly deficient. There is no disclosure of a screen panel, including a screen frame and a screen disposed over a screen frame opening, which is secured to a frame such that the screen of the screen panel extends across the opening of the frame, particularly a frame to which a horizontal member and pickets are connected. Further, there is simply no balustrade in Benedyk. Accordingly, for at least this reason, it is respectfully submitted that claim 14 and claims 15 and 16 which are dependent therefrom are in condition for allowance.

Independent claim 17, as amended, calls for a first removable screen panel to include a first rectangular frame and a first screen disposed across an opening of the first rectangular frame. Claim 17 further calls for a second removable screen panel to include a second rectangular frame and a second screen disposed across an opening of the second rectangular frame. The removable screen panels are connected to frame sections, along with a plurality of spaced pickets. The references of record fail to disclose screen panels having their own screen frames which can be secured to separate frame sections, particularly a bottom frame section and a first intermediate frame section between which pickets extend. Further, claim 17 calls for the first and second screen panels to be removable from the frame sections. Thus, the first removable screen panel, including its own screen frame, is removable from the frame sections and the second removable screen panel, including its own screen frame, is removable from the frame sections, i.e., the frame sections between which a plurality of pickets extend. Accordingly, for at least these reasons, it is respectfully submitted that claim 17 and claims 18-22 are in condition for allowance.

Claim Objections

Claim 16 has been carefully amended to overcome the claim rejections asserted thereagainst.

CONCLUSION

All formal and informal matters having been addressed, it is respectfully submitted that this application is in condition for allowance. It is believed that the claim changes clearly place the application in condition for allowance. Alternatively, if the Examiner is of the view that the amendments do not place the application in clear condition for allowance, it is requested that he telephone the undersigned for purposes of conducting a telephone

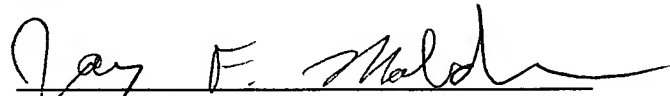
interview to resolve any outstanding differences. In any case, an early notice of allowance is earnestly solicited.

Respectfully submitted,

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January 12, 2006

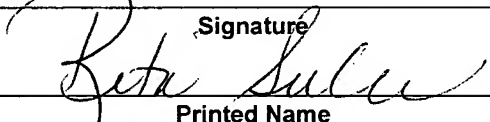
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CERTIFICATE OF MAILING OR TRANSMISSION

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

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